

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

**CRIMINAL APPEAL BRIEFING SCHEDULE**

Appeal No. 08-3416 United States v. David Downing

Date: October 21, 2008

Briefing in criminal appeals is governed by [Eighth Circuit's Plan to Expedite Criminal Appeals](#). Counsel should also review the provisions of [Eighth Circuit Rule 27C](#).

**APPEAL REQUIREMENTS**

1. Criminal appeals proceed on a clerk's record, which is prepared by the clerk of the district court under Section III(A)(1)(b) of the Plan. If counsel wish to supplement the standard record with additional materials, you should contact the district court clerk immediately. In the alternative, counsel may prepare a supplemental appendix to be filed with the brief.
2. Review Section III(A)(1)(a) of the Plan concerning preparation of the transcript. If the appeal is proceeding in forma pauperis, please complete and file CJA Form 24 with the district court.
3. If you were retained for the district court proceedings and the defendant is unable to bear the cost of the appeal, a motion for leave to proceed in forma pauperis should be filed with the district court. Counsel cannot be appointed and a transcript cannot be provided at government expense unless the defendant obtains IFP status.
4. As this case was tried in three days or less, the court reporter shall file the transcript within 20 days of the date of this schedule.
5. Review "Briefing Checklist" and "Pointers on Preparing Briefs" at: [www.ca8.uscourts.gov/newcoa/appealInfo.htm](http://www.ca8.uscourts.gov/newcoa/appealInfo.htm) . Please note appellant's brief must include a copy of the Judgment and Commitment Order in the Addendum.
6. The government must file a single brief in multiple-defendant appeals.

**GENERAL INFORMATION**

The following filing dates are established for the appeals. Dates are only extended upon the filing of a timely motion establishing good cause. An order extending the time for filing a brief also extends the filing date for the responding or replying party's brief. Filing dates can also be accelerated if a party files its brief before the due date. Please refer to FRAP 25, FRAP 26 and FRAP 31 for provisions governing filing and service. You may find the Federal and Eighth Circuit rules, as well as practice aids, at: [www.ca8.uscourts.gov/newcoa/pubs/pubs.htm](http://www.ca8.uscourts.gov/newcoa/pubs/pubs.htm)

**FILING DATES:**

Transcript . . . . . **10/29/2008**  
( **Shelly Semmler** )

Clerk's Record . . . . . **10/29/2008**

PSI Report . . . . . **10/29/2008**

Appellant's Brief (with addendum). . . . . **11/12/2008**  
( **United States of America** )

Appellee's Brief. . . . . **21 days from service of Appellant's Brief**

Appellant's Reply Brief . . . . . **7 days from service of Appellee's Brief**

**ALL BRIEFS AND APPENDICES SHOULD BE  
FILED WITH THE ST. LOUIS OFFICE**